

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LERONE NESMITH, }
Petitioner, } Civil Action No. 09-197 Erie
v. }
BUREAU OF PRISONS, et al., }
Respondents. }

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on August 4, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 10], filed on November 23, 2009, recommended that Petitioner's case be dismissed for failure to prosecute. Petitioner was allowed ten (10) days from the date of service to file objections and service was made on Petitioner by certified mail. No objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 15th day of December, 2009;

IT IS HEREBY ORDERED that the Petitioner's case is DISMISSED for failure to prosecute.

The Report and Recommendation [Doc. No. 10] of Magistrate Judge Baxter, filed on November 23, 2009, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge